



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# DNS Pre-application Advice

## 3150137 Llanwern Solar

January 2018

**This advice should be read in conjunction with the Planning Inspectorate's procedural guidance on Developments of National Significance. Advice is provided following a request sent by the applicants received on 11 December 2017.**

## 1. Background

On 25 July 2017, the Planning Inspectorate accepted a notification of a proposed application for a Development of National Significance at 'Land on the Caldicot Levels to the South of the Llanwern Steelworks Site'. An application was received for the erection of a solar energy hub on 12 October 2017, which was found invalid on the 23 November 2017. The reasons for not validating the application were set out in a letter by Rhys Rigby, and an accompanying assessment of the Environmental Statement prepared by the Inspector.

A meeting was held on 14 December 2017 to discuss reasons for invalidation and required actions for re-submission. The meeting was held at Welsh Government Offices in Cathays Park, and the attendees were:

- Robert Sparey (The Planning Inspectorate)
- Ifan Gwilym (The Planning Inspectorate)
- Rhys Rigby (The Planning Inspectorate)
- Peter Grubb (Savills)
- Nick Beddoe (Savills)
- Peter Vyvyan-Robinson (Energy My Way)

The points discussed in the meeting are clarified in the note below.

## 2. Validation

### *Report on the adequacy of the Environmental Statement*

The Inspector reviewed the Environmental Statement submitted by the applicant for adequacy, and identified 6 requests for further information under Regulation 22 of the EIA Regulations<sup>1</sup>.

The Inspector requested that the development description be amended in order to (1i) clarify whether any external source of energy would be necessary, (1ii) list and quantify the materials to be used, and (1iii) explain the up-to-date position in respect of battery storage. It should be made clear that the request from the Inspector here relates to the description of development within the Environmental Statement<sup>2</sup>, rather than the wording which the applicant wishes to use to describe the development on the application forms (discussed further below). The applicant explained that some external sources of energy would be used e.g. for powering security lights, and this should be set out in the amended description of development. In relation to listing and quantifying materials to be used, the Planning Inspectorate advised that (as no specific model of solar panel will be chosen at this stage) the applicant should choose a typical representative model and set out typical materials used for each component. In relation to battery storage, once the updated position in relation to battery storage and their containers is confirmed, this should be

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<sup>1</sup> The Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017

<sup>2</sup> Chapter 3 'The Proposed Development' of the Environmental Statement

reflected in the description of development, including a commentary of possible future options for battery capacity at the site in future.

The Inspector also requested further work on (2) a site-specific noise assessment which demonstrates the likely effects of any noise, particularly from on-site installations on surrounding dwellings. The assessment should ascertain whether noise would be likely to have a significant effect upon the environment, or whether the effect would be limited such as to justify scoping out. In addition, the Inspector requested (3) an initial assessment of glare and reflection. The Planning Inspectorate confirmed that further work was needed to satisfy the Inspector that noise and glint/glare topics could be scoped out of the Environmental Statement. The applicant explained in the meeting that it wouldn't be able to do further work to justify scoping the topics out without doing full assessments and would therefore do full assessments in order to add clarity for the Inspector.

The Inspector requested (4) a description of the types and quantities of waste which would be produced during the construction and operation phases. The applicants proposed to provide a general description of the waste produced during construction (mainly packaging materials) and include a description of how these could be recycled or disposed of. The Planning Inspectorate confirms that this level of description would be sufficient to satisfy the requirement.

The Inspector requested (5) an explanation of why solar power has been chosen over other technologies such as wind turbines. The applicant proposed that a table will be provided which sets out a comparison of alternative technologies and an explanation as to why solar PV would be preferable in this location. The Planning Inspectorate confirms that this level of description would be sufficient to satisfy the requirement.

Finally, the Inspector requested (6) a description of the effect that the proposed development would potentially have on the climate including consideration of the materials and substances used in its construction. The Planning Inspectorate advises that the developer should look at the expected carbon reduction that may result from the development, and explore if there's data available on the carbon footprint of the manufacturing process of components.

#### *Points raised in the validation letter*

The letter of invalidation also included a number of additional issues that need to be resolved prior to validation, and would otherwise have been resolved with the applicant if it wasn't necessary to invalidate the application due to Regulation 22 requests for further environmental information.

Submitted plans (PL01-PL09) need to show the direction of North. The applicant confirmed that this was an issue that could be resolved.

There were two documents listed as not being received: the Construction and Environmental Management Plan, and the Land Use Sequential Test. It should be noted that these were only referred to in the letter as they were listed as submission documents, and that these are not validation requirements. In the meeting, the applicant confirmed that a draft Construction and Environmental Management Plan will be provided to set out the parameters which the final document will contain following any grant of planning permission. The Planning Inspectorate also confirmed that they had received the Land Use Sequential Test as Appendix 6.1 to the Environmental Statement (referred to in paragraph 15 of the Inspector's assessment of the ES), and that the reference to the document in the validation letter was an error.

The letter also refers to undertaking further statutory pre-application consultation. The Planning Inspectorate confirmed (following discussion with Welsh Government) that it would not require that the applicant undertakes further pre-application consultation due to the few changes that have occurred since the previous consultation, and the fact that the Planning Inspectorate will undertake its own consultation on the scheme after submission. The applicant is free to undertake further consultation if they wish, and should note the guidance set out in the validation letter if they proceed as such.

#### *Description of development*

It is for the applicant to decide what they apply for, and how this is described on the application form. In relation to battery storage, the applicant clarified that they are seeking to retain the storage component of the scheme, but not the batteries themselves. An application for the batteries may be made at a later date once there is greater clarity on how these would be handled within the planning process. The Planning Inspectorate and Welsh Government are satisfied with this approach, but advise that it may be necessary to include a relevant planning condition to limit the use of the storage element until a later date. As this element of the scheme will be treated as a secondary consent, the applicant should note that any DNS planning permission and secondary consent will be separate, and that the secondary consent would therefore be implemented separately. The applicant should consider how this affects the secondary consent, and whether it could be implemented separately from the DNS planning permission before clarifying the situation in relation to battery storage within the planning system.

#### *Other issues raised in the meeting*

The applicant confirmed that they propose to resubmit by Friday 19 January 2018. The Planning Inspectorate confirms that the Inspector has been chartered time in the following week so that validation can be completed as soon as practicable.

The applicant proposes that the resubmission will comprise only of the additional documents being amended. This is consistent with the approach taken for other resubmissions of DNS applications, and the Planning Inspectorate is satisfied with this approach as long as the changes made will be clearly set out to assist the validation process.

The applicant also sought advice on approach to community ownership, stating that this may be problematic for a number of reasons. The Planning Inspectorate has clarified with Welsh Government, and can confirm that there is currently no requirement in Planning Policy Wales or the Technical Advice Notes in relation to community ownership of renewable energy projects. It is acknowledged that the 'Energy Generation in Wales' report<sup>3</sup> sets an aspiration for community ownership of all renewable energy projects; however, as this is not planning policy, it will not weigh in the planning balance of the Inspector's recommendation.

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<sup>3</sup> <http://gov.wales/topics/environmentcountryside/energy/renewable/energy-generation-in-wales/?skip=1&lang=en>